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Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Report of the Fifth Committee

Rapporteur: Mr. Diego **Simancas** (Mexico)

I. Introduction

1. At its 2nd plenary meeting, on 13 September 2006, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-first session the item entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 32nd and 36th meetings, on 15 and 21 December 2006. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/61/SR.32 and 36).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Financial report and audited financial statements and report of the Board of Auditors on the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens

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Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994;[1]

(b) Report of the Secretary-General on financial and any other implications resulting from the introduction of a staff retention bonus at the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia (A/61/522);

(c) Report of the Advisory Committee on Administrative and Budgetary Questions (A/61/591);

(d) Report of the Secretary-General on the first performance report of the International Criminal Tribunal for Rwanda for the biennium 2006-2007 (A/61/586);

(e) Report of the Advisory Committee on Administrative and Budgetary Questions (A/61/633).

II. Consideration of draft resolution A/C.5/61/L.13

4. At its 36th meeting, on 21 December, the Committee had before it a draft resolution entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" (A/C.5/61/L.13), submitted by the Chairman of the Committee on the basis of informal consultations coordinated by the representative of Chile.

5. At the same meeting, the Committee adopted draft resolution A/C.5/61/L.13 without a vote (see para. 6).

[1] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 5K* and corrigendum (A/61/5/Add.11 and Corr.1).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

The General Assembly,

Having considered the reports of the Secretary-General, namely, the first performance report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 for the biennium 2006-2007[1] and the report on financial and any other implications resulting from the introduction of a staff retention bonus at the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia,[2]

Having also considered the report of the Board of Auditors on the International Criminal Tribunal for Rwanda and the recommendations contained therein,[3]

Having further considered the related reports of the Advisory Committee on Administrative and Budgetary Questions,[4]

Recalling its resolution 49/251 of 20 July 1995 on the financing of the International Criminal Tribunal for Rwanda and its subsequent resolutions thereon, the latest of which were resolutions 60/240 and 60/241 of 23 December 2005,

1. *Takes note* of the reports of the Secretary-General on the first performance report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994[1] and on the financial and any other implications resulting from the introduction of a staff retention bonus at the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia;[2]

2. *Endorses* the conclusions and recommendations contained in the reports of the Advisory Committee on Administrative and Budgetary Questions;[4]

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[1] A/61/586.

[2] A/61/522.

[3] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 5K* and corrigendum (A/61/5/Add.11 and Corr.1), chap. II.

[4] A/61/591 and A/61/633.

3. *Emphasizes* the importance of implementing the recommendations of the Board of Auditors, and requests the Secretary-General to report on progress in the implementation of the recommendations of the Board in the context of the proposed budget of the International Tribunal for Rwanda for the biennium 2008-2009;

4. *Also emphasizes* the importance of the timely submission of the performance reports of the International Tribunal for Rwanda and the related reports of the Advisory Committee on Administrative and Budgetary Questions in order to facilitate the proper consideration thereof by the General Assembly;

5. *Recalls* paragraph 9 of its resolution 60/241, and requests the Secretary-General to report thereon in the context of the proposed budget of the International Tribunal for Rwanda for the biennium 2008-2009;

6. *Decides* on a revised appropriation to the Special Account for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 of a total amount of 277,127,700 United States dollars gross (254,757,400 dollars net) for the biennium 2006-2007;

7. *Also decides*, for the year 2007, to apportion among Member States, in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year, the amount of 71,124,250 dollars gross (65,656,200 dollars net), including 3,684,650 dollars gross (3,933,700 dollars net), being the increase in assessments;

8. *Further decides*, for the year 2007, to apportion among Member States, in accordance with the scale of assessments applicable to peacekeeping operations for the year, the amount of 71,124,250 dollars gross (65,656,200 dollars net), including 3,684,650 dollars gross (3,933,700 dollars net), being the increase in assessments;

9. *Decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 7 and 8 above, their respective share in the Tax Equalization Fund in the amount of 10,936,100 dollars, including 498,100 dollars, being the decrease in the estimated staff assessment income approved for the International Tribunal for Rwanda for the biennium 2006-2007.

Annex

Financing for the biennium 2006-2007 of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

(United States dollars)

	Gross	*Net*
Initial appropriation for the biennium 2006-2007 (see resolution 60/241)	269 758 400	246 890 000
Add: Proposed changes for the biennium 2006-2007 (see A/61/586)	7 369 300	7 867 400
Proposed revised appropriation for the biennium 2006-2007	**277 127 700**	**254 757 400**
Assessment for 2006	134 879 200	123 445 000
Balance to be assessed for 2007	142 248 500	131 312 400
Including:		
Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2007	71 124 250	65 656 200
Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations of the United Nations for 2007	71 124 250	65 656 200